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Attorneys for Plaintiff and the Proposed Class

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SABRINA CHIN, on behalf of herself
and all others similarly situated,

Plaintiff,

VS.

RCN CORPORATION,

Defendant.

Civil Action No. 1:08-CV-7349 RJS

NOTICE OF UNOPPOSED MOTION AND UNOPPOSED MOTION FOR AN ORDER: (1) CERTIFYING CLASS FOR PURPOSES OF SETTLEMENT; (2) GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT; (3) APPROVING FORM OF NOTICE AND METHOD OF DISSEMINATION OF NOTICE OF SETTLEMENT TO CLASS MEMBERS AND (4) SETTING HEARING DATE FOR FINAL APPROVAL OF SETTLEMENT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Class Representative Sabrina Chin (“Plaintiff”) hereby serves notice of her unopposed motion and hereby makes her unopposed motion for an order that: (1) certifies the proposed class for purposes of settlement and appoints Sabrina Chin as the class representative and appoints Reese Richman LLP as class counsel; (2) grants preliminary approval of the class action settlement; (3) approves the form and content of the notice of the settlement and method of dissemination of the notice of the settlement to class members and (4) sets a hearing date for final approval of the settlement.

The Motion is unopposed and made with the consent of Defendant RCN Corporation.

This Motion is based upon the accompanying Memorandum of Points and Authorities in Support of the Plaintiff’s Unopposed Motion for Preliminary Approval of Settlement; the accompanying Declaration of Michael R. Reese in Support of Motion for Preliminary Approval; the accompanying Class Action Settlement Agreement signed by the Parties; and all other pleadings in the Court’s file.

Dated: July 31, 2009

REESE RICHMAN LLP

By: /s/ Michael R. Reese

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